### IN THE UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF INDIANA

FILED - FEB ZA, ZWZ5 - HPLL:W5 SOUTH BEND DIVISION US DISTRICT COURT MOPThern District of Indiana Chanda J. Berta - Clerk

Willie Rogers,

Plaintiff,

v. St. Joseph County Clerk of Court of South Bend Division, St. Joseph County Clerk of Court of Mishawaka Division

In their official and individual capacities,

3:25-cv-166

Defendants.

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

#### AND MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, Willie Rogers, alleges the following for his Complaint against

Defendants: I. JURISDICTION AND VENUE

- 1. This action arises under 42 U.S.C. § 1983 for violations of the Fourteenth Amendment to the United States Constitution.
- 2. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1343 (civil rights jurisdiction).
- 3. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the events giving rise to the claims occurred in St. Joseph County, Indiana, within this District.

#### **II. PARTIES**

- 4. Plaintiff, Willie Rogers, is a resident of St. Joseph County, Indiana and the Defendant in a state court case titled Midland Credit Mgmt. v. Willie Rogers, Cause No. 71C01-2410-CC-005338.
- 5. Defendants, are responsible for issuing court notices, including scheduling hearings and ensuring that proper notice is provided to litigants.
- 6. Defendants are sued in their official and individual capacities for their role in failing to provide proper notice and violating Plaintiff's constitutional rights.

### III. FACTUAL BACKGROUND

- 7. Summons and all filings indicated the St. Joseph County Superior Court at 101 South Main Street, South Bend, IN, as the court for appearances and filings.
- 8. A Default Judgment was entered against Plaintiff after failing to respond to the complaint, leading Plaintiff to file a Motion to Set Aside/Vacate Default Judgment in state court.
- 9. A hearing on that motion was scheduled for February 20, 2025. However, Plaintiff, following the information in the court documents, appeared at the South Bend courthouse on that date.
- 10. Upon arrival, Plaintiff was informed that the hearing was being held elsewhere (Mishawaka Division or via Zoom) but had received no prior notice of the change in location or format.
- 11. As a result, Plaintiff missed the hearing, leading to further procedural delays and harm.
- 12. The court subsequently rescheduled the hearing for June 11, 2025, nearly four months away, further prejudicing Plaintiff.
- 13. Plaintiff is suffering ongoing harm due to the Default Judgment, including potential wage garnishment, negative credit reporting, and emotional distress.
- 14. The failure to provide proper notice and the excessive delay in rescheduling constitute violations of Plaintiff's due process rights under the Fourteenth Amendment.

# IV. CLAIM FOR RELIEF

- (42 U.S.C. § 1983 Violation of Due Process Rights)
  - 15. Plaintiff realleges and incorporates by reference paragraphs 1 through 14.
- 16. Defendants, acting under color of state law, failed to provide Plaintiff with proper notice of the hearing location and format, depriving Plaintiff of the right to a meaningful opportunity to be heard.
- 17. Defendants' actions resulted in a violation of Plaintiff's due process rights under the Fourteenth Amendment to the United States Constitution.
- 18. The ongoing harm from the Default Judgment and the excessive delay in rescheduling the hearing further violates Plaintiff's constitutional rights.

### V. MOTION FOR PRELIMINARY INJUNCTION

Plaintiff seeks a Preliminary Injunction to prevent further harm while this case is pending. Legal Standard:

To obtain a preliminary injunction, Plaintiff must show:

- 1. A likelihood of success on the merits.
- 2. Irreparable harm if the injunction is not granted.
- 3. The balance of harms favors Plaintiff.
- 4. The public interest supports the injunction.

# A. Likelihood of Success on the Merits:

19. Plaintiff has a strong likelihood of success, as the failure to provide proper notice directly violated Plaintiff's due process rights under the Fourteenth Amendment.

# B. Irreparable Harm:

20. Plaintiff continues to suffer harm due to the Default Judgment, including potential wage garnishments, credit reporting issues, and emotional distress. The delay until June 11, 2025 only compounds this harm.

## C. Balance of Harms:

21. Granting the injunction would prevent ongoing harm to Plaintiff without causing any undue prejudice to Defendants or the Plaintiff in the state case.

#### D. Public Interest:

22. The public has a strong interest in ensuring that court procedures are fair, transparent, and protect litigants' constitutional rights.

#### VI. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

- 1. Issue a Preliminary Injunction directing the state court to:
- Vacate the Default Judgment, or
- Advance the hearing on Plaintiff's Motion to Set Aside to the earliest possible date.
- 2. Declare that Plaintiff's due process rights were violated.

3. Award monetary damages for any harm caused by Defendants' actions. 4.

Award legal costs and fees under 42 U.S.C. § 1988.

5. Grant any other relief the Court deems just and proper.

**JURY TRIAL DEMANDED** 

Willed hogers Televary 24, 2025

Respectfully submitted,